IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.21693 of 2006

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Dated: October 26, 2006

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Between:

N. Dattaiah Sarma, S/o. Sri N. Viswanatha Sharma, Hindu, aged 40 years, Archaka of Sri Siddi- Rameswara Swamy Temple, Bhiknoor Village and Mandal, Nizamabad District.

… Petitioner

And

State of A.P. represented by its Principal Secretary, Revenue & Endowments Department, Secretariat, Hyderabad, and others.

… Respondents

Order:

This Writ Petition has been filed questioning proceedings dated 23-02-2006 issued by the fourth respondent, the Executive Officer, Sri Siddi Rameswara Swamy Temple, in letter No.12/2006.

2. Petitioner claims to be an Archaka of the fourth respondent-temple along with his two brothers. His case is that his forefathers rendered Archakathvam in the said temple and he derived the right of

hereditary Archakathvam from them. It is stated that the services of the petitioner were regularized at the age of 62 years, though he has been rendering services from the age of 8 years. It is further stated that through the impugned letter, the fourth respondent has informed him that he will be retired from service from October, 2006. The grievance of the petitioner is that the impugned letter is contrary to the order passed by the Supreme Court of India in W.P.No.638 of 1987 dated 19-03-1996 and he cannot be retired from service.

3. Heard learned counsel for petitioner and learned Government Pleader appearing on behalf of respondents.

4. Even according to the averments made by the petitioner in the affidavit filed in support of the Writ Petition, his age is 64 years as on today and he is rendering services as Archaka in the fourth respondent temple. The conditions of service of all the office holders and servants in the Endowments Department is now governed by the rules titled as 'A.P. Charitable and Hindu Religious Institutions and Endowments Office Holders and Servants Service Rules, 2000 ('the Rules' for brevity). The petitioner is a servant serving in the Endowments Department in view of the definition under Section 2-E of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 ('the Act' for brevity).

As per Rule 9 of the Rules, the age of superannuation of a servant of the department is only 58 years. As much as the petitioner has already crossed the age of 58 years and is now aged 64, the impugned letter is quite in conformity with the Rules, and I do not find any illegality in the impugned letter warranting interference of this court under Article 226 of the Constitution of India.

5. The Writ Petition is devoid of merits and is accordingly

dismissed. With regard to retirement benefits of the petitioner, it is open for him to claim the same by filing necessary papers after his retirement. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 26, 2006
MRR